

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6472 of 1986

Date of decision: 18-2-98

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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LALCHAND TILUMAL BUDHWANI

Versus

STATE OF GUJARAT  
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Appearance:

MR DM THAKKAR for Petitioner  
None present for Respondents  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/02/98

ORAL JUDGEMENT

Heard the learned counsel for the petitioner, and perused the special civil application and the reply to the special civil application filed by the respondent No.3.

Challenge has been made by the petitioner to the order dated 25-11-1986 at annexure-F under which he was ordered to be dismissed from service. The petitioner was ordered to be dismissed from service after holding departmental inquiry, and the charges levelled against him have been proved. Learned counsel for the petitioner contended that the inquiry report was not given to the petitioner. This contention no more survives in view of the decision of the Supreme Court in the case of Managing Director, ECIL vs. B. Karunakar, reported in JT 1993 (6) SC 1. So far as other grounds are concerned, it has been submitted that the petitioner is a class IV employee and as such penalty which has been given to him for the alleged misconduct is disproportionate to the guilt. In the matter of what punishment has to be given to the delinquent employee for the proved misconduct, this court has very limited powers of judicial review. This Court can interfere with the penalty given to the delinquent employee only where it is found to be shocking the judicial conscience of the Court or where on the basis of the fact which have come on record a reasonable man would not have passed such order. I have carefully gone through the inquiry report and I find that there were serious charges against the petitioner, and those charges were found proved by the inquiry officer. On the basis of the charges found proved against the workman the authority decided to terminate his service. In the facts and circumstances of the present case it cannot be said that the punishment given to the petitioner is shocking the judicial conscience of the court. Taking into consideration the totality of the facts of the case I find no reason to interfere with the impugned order.

2. In the result this special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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